FESTIVAL INDUSTRY MATERIALS AND WASTE BRIEFING

Current UK Legislation, Guidance, Greenwashing Checklist and Future Insights



This briefing has been prepared as part of the Towards Zero Waste Festivals project to help event organisers fully understand the current legislative landscape for waste, and the key changes on the horizon.

Waste was identified as one of the top three sustainability priorities by event organisers in Vision: 2025's annual Industry Green Survey for seven consecutive years (2015-2021). The **Towards Zero Waste Festivals report** (March 2023) provides a detailed picture of the challenges to improved waste management at outdoor events and provides recommendations for the industry.

Download the executive summary and full report here.







ABOUT THIS GUIDE

Waste is a very visible and emotive environmental issue, with laws constantly being proposed, lobbied for, and implemented.

Staying up to date as a festival manager can be a challenge. This briefing paper outlines the key laws and requirements and how they affect festival organisers including:

- > How to manage and reduce waste creation
- > Food waste reduction and mangement
- Waste segregation requirements
- > Safe storage and disposal
- Waste contractor requirements

- Hazardous materials
- > New laws on managing old furniture
- Plastic bans
- > Greenwashing and the Green Claims Code
- > Upcoming legislation

About Vision:2025

Vision:2025 is the UK event industry's climate action steering group, made up of industry bodies and stakeholders that represent over 1,000 organisations and businesses. We provide a resource hub for sustainable event management, industry newsletter, green supplier directory, case studies, guides, undertake research, and provide a festival climate action program – the Vision:2025 pledge.

Explore the Vision:2025 here https://www.vision2025.org.uk

OVERVIEW OF THE UK POLICY LANDSCAPE

Amidst delays in Department for Environment, Food & Rural Affairs (DEFRA) consultations due to the Covid-19 pandemic and political uncertainty, there have been some policy developments over the past year, which may impact on the events industry.

January 2023 saw the release of a deposit return schemes (DRS) consultation response for England, Wales and Northern Ireland. It confirmed that it will be implementing a DRS on drinks containers by October 2025 (not including Scotland – Aug 2023). It will charge consumers a deposit on drinks containers such as bottles and cans, intended to promote recycling. Glass will be included in Wales and Scotland. The impact of DRS within a festival environment remains uncertain e.g. how festival-goers will redeem their deposits will depend on the nature of the roll out (e.g. digital, vending machines), which may impact on required infrastructure.

The recently released Environment Improvement Plan 2023, contained ten goal areas, with Goal 5 specifically focusing on maximising resources and minimising waste. This included a plan to eliminate biodegradable waste to landfill, DRS, EPR and a consistent recycling collection for businesses and householders. It also included a target on banning more single-use plastics, including plates, trays, bowls, cutlery, and food containers, from October 2023.²

THE MARKET

There is a growing market for recyclable materials, and separately collected materials tend to be of higher quality and therefore generate a higher level of income. Future trends estimate that these materials will have significantly more value due to the increasing demand for materials and the pressures of policy to transition towards a closed loop recycling system.⁴

RETHINKING RESOURCES

Over 90% of the UK's material use comes from virgin sources. 80% of these materials are extracted abroad, and only 7.5% of materials are currently circled back into the UK economy after use.⁵

There is a growing focus on circular economy principles, on a global scale. It can also be seen in a commitment by the UK Government, to move to a truly circular and sustainable economy, as covered in the Environment Improvement Plan 2023. A circular economy is a framework of production and consumption which aims to eliminate waste through better design and reuse of resources. This model relies on 'closed loops', where resources are either shared, repaired, reused or recycled.

RECYCLING RATES

Most of the nations within the UK are failing to currently meet the minimum 65% recycling target set by the EU with the exception of Wales (see box below). The recycling landscape is markedly different in an urban context, with London having a recycling rate of 34% of waste, making it the worst region in England for recycling. Whilst what can be recycled from the kerbside is not the same as at commercial transfer stations used by festivals and their contractors, industry rates could be considered low at a reported 32%.³

UK RECYCLING RATES	
Recycling Rate (%) for 2021/22	
44.0*	
42.7	
65.2	
49.7	

^{* 2019/20} figure

Reproduced from DEFRA (2022) UK statisites on waste.

EXISTING WASTE REGULATIONS

The UK has several waste laws that apply to all those who create and manage waste. There are also frameworks that festivals can take advantage of to improve their understanding of waste management.

THE WASTE HIERARCHY

What is it?

The Waste Hierarchy provides a framework for describing the way that waste has been treated, and ranking waste treatment approaches to prioritise less environmentally damaging options.

Under the UK Waste Regulations (2011) all businesses are required to apply the Waste Hierarchy when managing and disposing of resources. The UK Government has also developed a specific waste hierarchy for food and drink, in which anaerobic digestion is preferred to composting.

MINIMISATION AND PREVENTION

- Use less materials in design and manufacture.
- Yeep products for longer and re-use.
- > Re-use or re-purpose materials instead of sourcing new.
- Use less hazardous materials/materials with lower environmental impacts.

(PREPARING FOR) REUSE

- Check, clean, repair, refurbish whole items or spare parts.
- Design for disassembly and re-use.

RECYCLING

- Includes composting.
- Not everything that is labelled as 'recyclable' can automatically be recycled at the majority of facilities or if it is in waste streams that are too contaminated - for example if something consists of two or more materials glued together.

OTHER RECOVERY

 Including anaerobic digestion for organic materials, and incineration with energy recovery/ 'Energy from Waste' i.e. where materials are burned and the energy generated is captured.

'DISPOSAL'

Landfill and incineration without energy recovery.

How this relates to festivals and outdoor events

80% of waste is considered to be created at the design phase7. Working with set designers, venue managers and suppliers on waste prevention and reduction initiatives, will make adopting the waste hierarchy easier. The benefit of this approach is reduced waste management costs for event organisers.

THE FOOD WASTE HIERARCHY (STATUTORY GUIDANCE)

What is it?

The Department for Environment, Food, and Rural Affairs released this statutory guidance in 2018: Food and drink waste hierarchy: Dealing with surplus and waste food and drink.

In a nutshell it means businesses should seek to manage food waste in this order of priority:

- Prevent surplus and waste in your business
- Redistribute surplus food
- Make animal feed from former food
- Recycle your food waste anaerobic digestion
- Recycle your food waste composting
- Recycle your food waste landspreading
- Incinerate to generate energy
- Incinerate without generating energy
- Send to landfill or sewer.

See the full detailed guidance here.

How this relates to festivals and outdoor events

Events should collect food waste separately to other non-compostable materials and follow the Food and Drink Waste Hierarchy to manage disposal. This is one of the key recommendations for 'easy wins' that lead to environmental benefit in the recent Towards Zero Waste Festivals report (2023)

Food Waste Fact

in almost all areas, and can be easily achievable in a outdoor event setting. Composting 1 tonne of food waste avoids 618kg CO2e in comparison to landfilling.



WASTE SEGREGATION REQUIREMENTS (LAW)

What is it?

Since 2015 UK Waste Regulations have required businesses to separate recyclable materials from other waste, in an amendment to the Waste Framework Directive.⁸ The goal was to encourage businesses to do as much as possible to reduce the impact on landfill sites and the negative impact on the environment. The aim is that paper/card, plastic, glass, and metals are all collected separately.

The Environment Act 2021 was updated to include that food must also be collected separately and not co-mingled: "Food waste must be collected separately from other recyclable streams", and, "Recyclable relevant waste must be collected for recycling or composting".9

This law also applies to waste collectors who are not allowed to combine waste streams that have already been separated. Although they may try to use the exception of 'Technically, Environmentally and Economically Practicable' (TEEP) e.g., co-mingling cans and plastics. Glass must be kept separate as it can contaminate other recyclables if it breaks. Paper and card should also be separated as they should be free from liquids and oils which could come from other materials.





How this relates to festivals and outdoor events

Bins and systems (front and back of house) should reflect the waste and recycling streams onsite. Work with waste contractors to ensure you can recycle and compost these waste streams in appropriate facilities when they leave the site:

- Paper > Cardboard
- Timber
- > Plastic
- Glass
- Metal
- > Food
- Textiles
- Cooking Oils
- > Batteries
- > Bread Crates
- Pallets

WARNING:

If waste contractors suggest a 'one-bin system', the reality is that most materials will go to waste from energy and the recyclables that may be captured are likely to be low quality recycling materials due to contamination from food and disposable food containers.

DUTY OF CARE FOR SAFE STORAGE AND DISPOSAL (LAW)

What is it?

Businesses have a legal responsibility and duty of care to ensure waste is stored safely and disposed of appropriately. Regulations require the following actions:

- Pre-treatment (i.e., sorting recyclable and non-recyclable material) is also a duty business must fulfil. This can be onsite or completed by your registered waste collector at a sorting facility.
- Safe onsite storage for all waste.
- Collection by a registered waste carrier.
- Disposal of the waste must take place at a licensed waste disposal facility.
- Waste must be covered by a waste transfer note.

How this relates to festivals and outdoor events

Work with contractors to ensure you have adequate and safe locations for storage, especially for hazardous materials (see below).

Festivals need to have weighbridge certificates for the materials removed from site on file to prove safe transfer.

SINGLE-USE PLASTIC ITEMS BAN (2020 AND 2023)

What is it?

In October 2020, <u>earbuds</u>, <u>stirrers and plastic</u> straws were banned in the UK.

From October 2023 the UK Government will introduce a ban on the supply of single-use plastic:

- Plates
- Cutlery
- Balloon sticks
- Expanded and extruded polystyrene food and drinks containers.

These products will not be available to buy from any business; this includes retailers, takeaways, food vendors and the hospitality industry.

How this relates to festivals and outdoor events

Events will need to brief all food and balloon traders and ensure that none are using up old stock as of October 2023.

HAZARDOUS WASTE (LAW)

What is it?

The following items must be kept separate by law and cannot be put in the general waste:

- Plasterboard: can create toxic gasses in landfill and must be buried separately. Avoid its use and don't mix with other waste.
- Paint tins containing paint: if tins are full then consider re-using them, otherwise they should be handled by a specialist contractor.
- Batteries: often arise in technical areas (e.g., from radio mics). They must be kept separate and recycled by a specialist contractor. Consider using rechargeable alternatives.
- Aerosol containers: can be recycled with cans when empty.
- Gas canisters: must be disposed of safely by a specialist contractor.
- Fluorescent tubes: contain mercury which is hazardous to health and the environment. They must not be broken and should be disposed of by a specialist contractor.
- Electrical equipment: widely recycled these days and must be dealt with by a specialist contractor.
- Healthcare waste: will usually arise from a medical facility and must be contained securely during your event and disposed of by a specialist contractor.
- Sanitary waste: is not hazardous but considered 'offensive'. Can be mixed into landfill but many organisers choose to have it dealt with by a specialist contractor.

How this relates to festivals and outdoor events

Festivals – especially those with creative venues and sets – can generate a variety of waste considered hazardous. They need to ensure that their policy and advance messaging prevents or limits non-essential use, and they are confident waste materials are being dealt with legally.



A New Challenge: Electronic Vapes

The recent rise in electronic vape use poses a new challenge for events, with some finding thousands of disposable vapes in their waste streams. Vapes consist of lithium batteries, electronic components, and nicotine remnants (depending on the vape). DEFRA have not yet properly considered the impact of vape litter/disposal. They currently come under Waste Electrical and Electronic Equipment (WEEE) Regulations, but this is not widely enforced and Vape retailers mostly are not compliant. It is believed they will be classified under a separate category when WEEE regulations are updated.

For now, the responsible way for events to manage waste vapes is to provide a dedicated bin or similar to collect them as a separate waste stream, and put them in WEEE (electronic waste) recycling.

HAZARDOUS WASTE (LAW)

NEW FOR 2023:

Furniture containing Persistent Organic Pollutants (POPS)

Since January 2023 upholstered domestic seating containing Persistent Organic Pollutants (POPs), must be transported and disposed of separately from any other materials. ¹⁰ These items can no longer go to landfill and must be incinerated. Businesses must check every item of waste upholstered domestic seating to see if it contains POPs (or assume all upholstered items contain POPs). UK manufacturers of furniture stopped using these materials between 2002 and 2011, but imported items may have been used up until 2019.

For any item you identify as waste upholstered domestic seating, waste controls apply. You must follow the guidance **manage waste upholstered domestic seating containing POPs**. Only those items that do not contain POPs are suitable for reuse or recycling. Any items that contain POPs must be managed so that the POPs are destroyed.

UK Government Description of Waste Domestic Seating and POPS

Waste domestic seating is any item of seating of a 'household type' from households or businesses that is waste. Upholstered domestic seating may contain POPs. For example:

- Sofas
- Sofa beds
- Armchairs
- Xitchen and dining room chairs
- > Stools and foot stools
- Home office chairs
- **>** Futons
- > Bean bags, floor and sofa cushions

This includes any part made of or containing leather, synthetic leather, other fabric, or foam.

The following items of domestic seating are unlikely to contain POPs:

- Items that are not upholstered, for example, a wooden chair without a cushioned or textile back, seat, or arms
- Deckchairs
- Wastes from manufacturing new domestic seating that the manufacturer can demonstrate do not to contain POPs

Mattresses, curtains, blinds and beds are not domestic seating and are not covered by this guidance.

How this relates to festivals and outdoor events

Many event venues use old furniture as part of their decor. This is acceptable, but if items are left onsite, they now have to be transported separately to a disposal site (it cannot now be put in skip). If it's damaged so that insides are coming out, it is expected that the event organisers deal with it, e.g., gaffa tape them up (the insides are hazardous).

Waste contractors report that bean bags are particularly troublesome, as they can easily break leaking tiny polystyrene balls that are impossible to clear up and cause significant impact on the local environment (land and watercourses).

It makes sense for festivals to brief venues on this update and write into contracts that furniture should not be brought on to sites that contain POPS. There may be increased costs for the festival for disposal.

REGULATION OF WASTE CONTRACTORS AND WHAT THEY ARE REQUIRED TO PROVIDE EVENT ORGANISERS

What is it?

Waste contractors are regulated to ensure they manage waste responsibly and with transparency. In order to handle and transport waste they must have a Waste Management Licence and appropriate environmental permits.

They are required by law to keep records of what happened to your waste.

Every time they collect and transport waste to a facility they have to provide a Waste Transfer Note and collect a Weighbridge Ticket from the facility.

How this relates to festivals and outdoor events

When instructing a waste contractor, you need to request and check they have a waste management licence.

After they have completed the collection and disposal of your waste you have the right to request the Waste Transfer Notes and the Weighbridge Tickets. To ensure this happens, request it in your contract, and ask for a breakdown of all the waste streams and the weights.

Be aware, there are some unscrupulous contractors out there who will make spurious claims about the amount they are recycling.

- Require that they produce waste transfer notes for all material shipped from the site.
- Ask for the details of the site where each waste stream is being taken before the event to make sure that the contractor is planning to treat your waste responsibly.
- For each disposal site, ask for a copy of their Environmental Permit or Exemption (from an Environmental Permit).
- Some contractors claim that they will "sort material off-site" after the event. Ask for a full, written explanation of how this is being done. Do they use machinery? If so what type?
- Consider having these explanations checked by an expert.

SUGGESTED TERMS OR REQUIREMENTS FOR WASTE CONTRACTS/AGREEMENTS

The following should be considered as options for clauses in contracts or agreements with waste contractors, to demonstrate legal duty of care and to support improvements.

- > A Waste Transfer (duty of care) Note for every transfer of waste.
- > Weighbridge tickets which correspond with the Waste Transfer (duty of care)
 Note. If these are not available then they will need to estimate the figures and
 explain the process you've been through to achieve your reported weights.
- > Environmental Permits, Waste Management Licences or Exemption certificates for each facility to which waste material is taken.
- A Waste Report or spreadsheet detailing all material types, weight, end of life destination and process (and recommendations for ways to reduce waste and increase recycling in future).

It is good practice to link final payment to the presentation of all the relevant paperwork.

NATIONAL RECYCLING SYMBOLS

What is it?

The UK has a variety of recycling symbols that are used to help consumers identify which items can be recycled. These symbols are (usually) found on the packaging of products and can be helpful in determining the correct way to dispose of the products and packaging. We are very likely to start seeing more labelling because of mandatory recycling labelling on all packaging coming into law by 2026 as a result of the Environment Act 2021.

See some common ones below and a full list **here** on the Recycle Now website.



MOBIUS LOOP

This indicates that an object is capable of being recycled but not that it will necessarily be accepted in all recycling collection systems or that it has been recycled. Sometimes this symbol is used with a percentage figure in the middle to explain that the packaging contains x% of recycled material.



COMPOSTABLE PACKAGING

Products certified to be industrially compostable according to the European standard EN 13432/14955 may bear the 'seedling' logo.

Never put compostable plastic into the recycling with other plastics; as it is designed to break down it cannot be recycled and contaminates recyclable plastics. Plastics that carry this symbol can be recycled with your garden waste through your local authority.

Find out more about how to recycle compostable plastics



PLASTIC RESIN CODES

These identify the type of plastic resin used to make the item by providing a 'Resin Identification Code'. It is represented with a 'chasing arrows' symbol surrounding a a number between 1 and 7 that defines the resin used.

How this relates to festivals and outdoor events

It's worth checking in advance if your bin signage (whether on the bins themselves, signage above or bin 'toppers') use the commonly used national recycling symbols? The easier and more intuitive recycling is for audiences, at each event and across the industry, the better the results are likely to be.

Separate material bins (cans/ bottles/cups/food waste/general waste) are considered more effective than two bin systems (i.e., dry mixed recycling (DMR) & waste), or three bin systems (i.e. DMR, food waste and general waste). However, the most effective options for each event will differ, depending on the materials that can be accepted by local facilities. Bins systems should be worked out based on the disposal options for materials locally (or at least within practical distance).

GREEN CLAIMS CODE

What is it?

The Green Claims code came into effect in January 2022 to avoid organisations misinforming or misleading customers about false environmental credentials, known as 'greenwashing'. For example, the code aims at tackling non-specific words or phrases like eco-friendly, sustainable, green, ethical, low-impact, compostable. Anyone can report an organisation for making a misleading green claim on their product or in advertising, which can lead to court proceedings. To date, Alpro has been pulled up on claiming their oat milk was 'good for the planet', and ads by Innocent, Oatly, Hyundai and Shell to name but a few, have been ruled as greenwashing.

How this relates to festivals and outdoor events

Avoid vague claims using words such as; eco-friendly, sustainable, green, ethical, low-impact, compostable and instead be specific. The core area where festivals will fall foul is any claims made about compostable serveware and coffee cups if these are not going to a separate composting plant for processing.

Use the below checklist from the UK Government for any environmental claims you want to make.

CHECKLIST FOR AVOIDING GREENWASHING

When making a green claim, a business should be able to answer 'yes' or agree to each of the following statements:

- 1 The claim is accurate and clear for all to understand.
- 2 There's up-to-date, credible evidence to show that the green claim is true.
- 3 The claim clearly tells the whole story of a product or service; or relates to one part of the product or service without misleading people about the other parts or the overall impact on the environment.
- 4 The claim doesn't contain partially correct or incorrect aspects or conditions that apply.
- Where general claims (eco-friendly, green or sustainable for example) are being made, the claim reflects the whole life cycle of the brand, product, business or service and is justified by the evidence.
- 6 If conditions (or caveats) apply to the claim, they're clearly set out and can be understood by all.
- 7 The claim won't mislead customers or other suppliers.
- The claim doesn't exaggerate its positive environmental impact, or contain anything untrue
 whether clearly stated or implied.

- 9 Durability or disposability information is clearly explained and labelled.
- 10 The claim doesn't miss out or hide information about the environmental impact that people need to make informed choices.
- 11 Information that really can't fit into the claim can be easily accessed by customers in another way (QR code, website, etc.).
- 12 Features or benefits that are necessary standard features or legal requirements of that product or service type, aren't claimed as environmental benefits.
- 13 If a comparison is being used, the basis of it is fair and accurate, and is clear for all to understand.

Have you answered 'no', or couldn't provide a clear answer, to any of these statements? See advice and further information:

https://www.gov.uk/government/publications/green-claims-code-making-environmental-claims

https://greenclaims.campaign.gov.uk/

THE FUTURE: REGULATIONS IN THE PIPELINE

UK GOVERNMENT WASTE AND ENVIRONMENTAL LAW CHANGES

In the <u>25-year Environment Plan</u>, the UK Government pledged to ensure the environment is left in a better condition for the next generation. The UK Government's Resource and Waste Strategy was released in 2018 as part of the 25-year environment policy. Measures from it included Extended Producer Responsibility, Deposit Return Schemes, and plastic packaging requiring 30% recycled content.

This has been delayed due to Brexit, Covid and now potentially the cost-of-living crisis

DEPOSIT RETURN SCHEMES

What is it?

On 16 August 2023, Scotland's drinks deposit return scheme (DRS) is planned to go live (although in March 2023 this is being called in to question by Westminster and other bodies). Drinks receptacles considered to be in-scope (plastic and glass bottles and cans) will be sold with a 20p deposit applied, for drinks that are taken off a premises e.g., from a shop or takeaway from a cafe. Items consumed onsite will not be subject to the charge as the venue will be assumed to be handling the materials.

This is the first DRS being implemented in the UK, with the rest of the UK possibly to follow in 2025.

How this relates to festivals and outdoor events

In March 2023, there is no guidance for events. New guidance could vary depending on the type of event: from a closed site, where materials can be captured in onsite recycling systems, to open events where people can take items anywhere, or there may be a blanket approach which requires all events to charge and facilitate return points.

Zero Waste Scotland provides a breakdown of the scheme and how it works for different organisations.



EXTENDED PRODUCER RESPONSIBILITY

What is it?

Under the current producer responsibility laws, UK organisations that handle and supply packaging to consumers and businesses that turnover more than 1 million pounds and are responsible for 25 tonnes of packaging annually are required to report their packaging data. Those with a turnover of over 2 million, who handle over 50 tonnes of packaging will additionally pay a % towards the cost of recycling and processing these materials in the country, through the PRN system.

This system is being updated as part of the resources and waste strategy to a system of Extended Producer Responsibility (EPR), so that brand owners and importers will pay 100% of these costs. In addition there will be a fee to reimburse local councils for curb side collection services.

DEFRA have delayed EPR till 2024, the first reporting deadline will fall in October 2023 to prepare for this.

How this relates to festivals and outdoor events

If events outsource their bars and food shops, they will not meet the criteria and it will be the responsibility of a bar company that does meet it, to report to the existing system or the wholesalers that are selling products.

The EPR rules may impact bars run by brands who will be liable for the increased costs. The reality is that the additional costs for EPR will be absorbed into the costs of goods, so festivals may notice an increase in the cost of drinks and food sold in single-use packaging. Conversely, for bars using kegs these will not be subject to EPR local authority waste management fees as they are not single-use items, another reason why reuse is beneficial for events. They will still have a one-off recycling obligation (or 'PRN') cost at the end of their life.

https://www.gov.uk/guidance/packagingwaste-prepare-for-extended-producerresponsibility

USEFUL RESOURCES, CASE STUDIES AND TOOLS FOR EVENT ORGANISERS

Check out the Vision:2025 Resource Hub for dedicated resources, reports, case studies and tools on waste management here

https://www.vision2025.org.uk/resource-hub/waste-resources

For a free e-Learning course on managing waste sustainably at festivals, see the Future Festival Tools website here https://www.futurefestivaltools.eu/courses/event-sustainability

FOOTNOTES

- 1 Riach, B (2020), Vision: 2025 Outdoor Events Industry Green Survey Reveals How Covid Has Affected Sustainability and Plans for 2021
- 2 Julie's Bicycles (2015) Practical Guide: Waste Management at Outdoor Events Guide
- 3 Powerful Thinking (2020) The Show Must Go On Environmental impact report for the UK festival and outdoor events industry
- 4 Hubbub (2022) Reuse systems unpacked challenges and opportunities for food and drink packaging
- 5 The Circularity Gap Report: United Kingdom, (Circle Economy and Deloitte, 2023)
- 6 Metabolic (2017) HANDBOOK FOR A WASTE-FREE FESTIVAL
- 7 Ellen MacArthur Foundation
- 8 https://www.gov.uk/government/publications/legal-definition-of-waste-guidance/definition-of-waste-2018-waste-framework-directive-amendments
- 9 https://www.legislation.gov.uk/ukpga/2021/30/section/57/enacted
- 10 https://www.gov.uk/guidance/manage-waste-upholstered-domestic-seating-containing-pops#identify-waste-upholstered-domestic-seating-that-contains-pops